

Ravalli County Planning Board
Meeting Minutes for November 20, 2007
3:00 p.m.
Commissioners Meeting Room, 215 S. 4th Street, Hamilton, Montana

Public Hearing
Market Place II (Man Enterprises, LLC) Major Subdivision

1. Call to order

Chip called the meeting to order at 3:05 p.m.

2. Roll Call

(A) Members (See Attachment A, Roll Call Sheet)

Mary Lee Bailey (absent-excused)
Dale Brown (present)
John Carbin (present)
Phil Connelly (present)
Jim Dawson (present)
Ben Hillicoss (absent-excused)
Dan Huls (absent-excused)
JR Iman (absent-excused)
Lee Kierig (present)
Chip Pigman (present)

Park Board Representative: Bob Cron (present)

(B) Staff

Tristan Riddell
Kimberli Imig

3. Introduction of New Planning Board Members

Chip introduced Jim Dawson, who is the new Lone Rock Representative and John Carbin, who is representing Stevensville on the Board.

4. Approval of Minutes

Chip asked if there were any corrections to or additions to the October 17, 2007 minutes. There were none, and the minutes were approved.

5. Amendments to the Agenda

There were none.

6. Correspondence

There was none.

7. Disclosure of Possible/Perceived Conflicts

Phil wanted the Board and public to know that his son lives next door to the proposed project. His son does not have a financial interest nor does Phil, but just wanted it in the record.

8. Public Hearing

(A) Market Place II (Man Enterprises, LLC) Major Subdivision

- (i) Staff Report on the Subdivision Proposal: **Tristan Riddell** gave a PowerPoint presentation. He gave an overview of the proposal and stated Staff recommended approval of the subdivision subject to 14 conditions in the Staff Report. He explained that the subdivision was being reviewed as part of the Lord's settlement agreement. He entered the Staff Report into the record. (See Attachment B, Market Place II Staff Report)

- (ii) Three Minute Rule Waiver Requests

There were none.

- (iii) Public Comment on the Subdivision Proposal

(a) Persons in Favor

Terry Nelson stated he works for Applebury Survey and he is also one of the subdivision owners. He gave a synopsis of the proposal:

- ☐ There are no prime soils on the land. There is no farmland of statewide or local importance.
- ☐ No water rights are associated with the property. The lots will be able to hook up to the city sewer. This should help eliminate effects on agriculture.
- ☐ There are no irrigation ditches within 300 feet of the property.
- ☐ The subdivision will be accessed directly from Eastside Highway and the proposal includes granting a private easement and public utilities. The internal subdivision roads and the loop road will be built to county standards. The Board discussed the possibility of a bike path during the plat evaluation.. To mitigate this, the developer is now proposing a 4-foot wide easement be added to each side of the road that will be striped for a bike/walking path.
- ☐ Police protection would be provided from the Sheriff's Office in Hamilton and the Corvallis Rural Fire Department would service the lots.
- ☐ There will not be many effects on the environment because it is relatively flat and void of vegetation. Since there are no crops being grown, wildlife is not a concern.
- ☐ MDT has no issues with providing the subdivision lots access directly from Eastside Highway.
- ☐ The developer is proposing that the voluntary school donation be made to the Hamilton Christian Academy in lieu of the Corvallis School District.

Jim Dawson stated that the true impact is going to be on the Corvallis School District and asked how the donation to the private school would truly benefit the School District.

Terry said the purpose of the donation is so that hopefully more kids would be able to attend the private institution because of the donations.

Lee said that he agrees with Terry, but that he does not agree with having to make a decision on the amount and if this donation could/should take place.

Chip said that if it is fine with the Board, it is of the majority opinion that the Board should continue sending these decisions that deal with money to the BCC.

Lee agreed and stated that it is not within this Board's sanction and should be passed on.

Tristan stated that the Planning Department has received form letters from the Sheriff in the past. The letters stated that additional development will put a burden on the Sheriff's Office. To date there is no data to support this claim.

Terry offered a \$500-per-lot donation to the Sheriff.

(b) Persons Opposed

There were none.

(c) Rebuttal

There was none.

(d) Close: Public Comment

(iv) Board Deliberation on the Subdivision Proposal

(a) Board discussion and questions

Phil asked if there is any data saying that 31 wells will be supported without any issues.

Terry answered that there is no data, but that there are no concerns going through sanitation, DEQ, etc. There are no water issues in this area; there is plenty of water available.

Lee said that there are two studies being done right now that have to do with figuring out what the true reservoir in the area is.

Bob said that the Park Board has decided to accept the cash-in-lieu of parkland for this project as there are schools so nearby.

Dale stated that this subdivision is very well planned out.

Lee motioned that the Board approve the project based on the staff report with the recommendation to the BCC to keep the cash donation to the school districts within the public school system.

John added that he wanted the BCC to take into consideration the Sheriff's concern over the countywide situation of an inadequate level of service. He continued that he is concerned about the development because of strain.

Dale seconded the motion.

(b) Board action

(1) Review of the Subdivision Proposal against the Six Criteria

The Board did not review the Six Criteria beyond their discussion and findings with the Staff Report.

(2) Board Decision

The vote was called; the members voted (6-0) to approve the subdivision. (See Attachment C, Market Place II Vote Sheet)

9. Communications from Staff

Tristan asked the Board if there was an opportunity to have Lea Jordan from Environmental Health join them for a question/answer session.

The Board brainstormed the following questions for Ms. Jordan:

What is the availability, Countywide, of water? – **John Carbin**

Are there places in the county where contamination is happening? – **Bob**

There are some areas where water is hard to get. Can we get a map of these areas so that when we are reviewing a subdivision in a certain area we may know the water situation ahead of time? – **Bob**

Some people are curious about gray water. How can we use gray water to preserve water? - **Lee**

Lee also stated that he agrees with John. There are only so many people that can be held here in the Valley. He said that he thinks the County Sanitarian is a good person to bounce these ideas off of.

10. Communications from Public

There were none.

11. Communications from Board

(A) Discussion and decision of reappointment of Phil Connelly to Open Lands Board

Chip asked Phil if he enjoyed the Open Lands Board.

Phil responded that he is enjoying the Board. They have spent the last ten months working on the Open Lands Bond Program and it is about ready to be fully functioning. He stated that he would like to be a part of this project still.

Dale made the motion to reappoint Phil to the Open Lands Board for another term.

Lee seconded the motion.

The vote was called; the members voted 6–0 to reappoint Phil to the

Open Lands Board.

(B) Discussion on Building Permits in the Subdivision Regulations

Chip had a couple of questions/ comments regarding the project on the record. He questions the building permit info that is put into the subdivision regulations as there is no enforcement. He is just not comfortable with that.

Tristan stated that this has consistently been coming up and the BCC and applicant are both in agreement that something needs to be done as far as enforcement.

Chip asked where the enforcement would be coming from. He stated that it is very important to get agreement on these issues.

12. **New Business**

There was none.

13. **Old Business**

(Staff Note: At the last Board meeting on October 17, 2007, the Board voted on the Vice Chair's seat. During this meeting, neither the Board nor Staff thought that there was a quorum at the previous meeting and so the Board decided to vote again on the Vice Chair. Alex Beal, a Deputy County Attorney, subsequently determined that there was a quorum of the Board present at the Planning Board meeting on October 17, 2007.)

Dale motioned that Lee be selected to the Vice Chair position.

Phil seconded the motion.

The vote was called; the members voted (6-0) to appoint Lee Kierig to the position of Vice Chair for the Planning Board. However, this vote is null and void as the vote from the previous meeting was sufficient for the reappointment of Lee as Vice Chair.

14. **Next Regularly Scheduled Meeting:** December 5, 2007 at 7:00 PM - TBA

15. **Adjournment**

Bob motioned for adjournment.

Phil seconded the motion.

Chip adjourned the meeting at 4:25 p.m.